

AMENDED IN ASSEMBLY JUNE 22, 2000

AMENDED IN SENATE APRIL 24, 2000

**SENATE BILL**

**No. 1903**

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**Introduced by Senator Speier**

February 24, 2000

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~~An act to amend Sections 56.10, 56.35, and 56.36 of, to add Section 56.07 to, and to add Chapter 1.5 (commencing with Section 56.08) to Part 2.6 of Division 1 of, the Civil Code, An act to amend Sections 56.10 and 56.11 of, and to add Section 56.07 to, the Civil Code, and to add Section 123111 to the Health and Safety Code, relating to medical information.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1903, as amended, Speier. Medical information: requests for disclosure.

Existing law, the Confidentiality of Medical Information Act, provides that, except in specified circumstances, medical information, as defined, may not be disclosed by providers of health care health care service plans, or contractors, as defined, without the patient's written authorization. Existing law also prohibits a provider of health care, health care service plan, or contractor from intentionally sharing, selling, or otherwise using any medical information not necessary to provide health care services to the patient, except as specified. Existing law also prohibits a provider of health care, a health care services plan, or a contractor from further disclosing medical information to any person or entity that is not engaged in providing direct health care services, as specified.

A violation of the act resulting in economic loss or personal injury to a patient is a misdemeanor and subjects the violating party to liability for specified damages and administrative fines and penalties. For purposes of the act, “providers of health care” includes corporations organized for the primary purpose of maintaining medical information, as specified.

This bill would make the provisions prohibiting sharing, selling, or using medical information for purposes other than provision of health care services applicable to corporations and their subsidiaries and affiliates. ~~This bill also would require contractors who make a request for disclosure of medical information to send a written notice of their request to the patient, as specified.~~ *The bill would also require a valid authorization for the release of medical information to a person or entity not otherwise authorized by law to obtain such information.* Violation of these requirements resulting in economic loss would be a misdemeanor. By creating new crimes, the bill would create a state-mandated local program. The bill would also require specified corporations and entities that maintain medical profiles, summaries, or information, except as specified, to provide the patient with a copy thereof at no charge, upon request.

Existing law provides that an adult patient shall be entitled to inspect his or her patient records upon written request to the health care provider.

This bill would authorize an adult patient to prepare a specified addendum to his or her patient records and require the health care provider to attach that addendum to the patient’s records. *The bill would also specify that the health care provider shall not be liable for the receipt and inclusion, in and of itself, of the contents of a patient’s addendum in the patient’s records, as specified.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 56.07 is added to the Civil Code, to read:

56.07. (a) ~~Upon~~ *Except as provided in subdivision (c), upon* the patient's written request, any corporation described in Section 56.06, or any other entity that compiles or maintains medical information for any reason, shall provide the patient, at no charge, with a copy of any medical profile, summary, or information maintained by the corporation or entity with respect to the patient.

(b) A request by a patient pursuant to this section shall not be deemed to be an authorization by the patient for the release or disclosure of any information to any person or entity other than the patient.

(c) This section shall not apply to any patient records that are subject to inspection by the patient pursuant to Section 123110 of the Health and Safety Code and shall not be deemed to limit the right of a health care provider to charge a fee for the preparation of a summary of patient records as provided in Section 123130 of the Health and Safety Code. *This section shall not apply to a health care service plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code or a disability insurer licensed pursuant to the Insurance Code.*

~~SEC. 2. Chapter 1.5 (commencing with Section 56.08) is added to Part 2.6 of Division 1 of the Civil Code, to read:~~

~~CHAPTER 1.5. NOTICE OF REQUEST FOR DISCLOSURE OF  
MEDICAL INFORMATION~~

~~56.08. When making a request for disclosure of medical information under this act, a contractor shall send a notice of the request by first class mail, facsimile, or electronic mail to the patient, or to the person who could sign an authorization on behalf of the patient pursuant to Section 56.11 or 56.21, which notice shall include all of the following:~~

~~(a) The name, address, and telephone number of the contractor and, if the contractor is not an individual, the name of an individual who represents the contractor who may be contacted regarding the request.~~

~~(b) The name, address, and telephone number of the person or entity from whom the requested medical information is to be obtained and, if that party is not an individual, the name of an individual who represents that party who may be contacted regarding the request.~~

~~(c) A description of the reasons for the request, the specific type of medical information that is being requested, and the proposed use of the medical information.~~

~~(d) A statement by the contractor acknowledging the obligations of Section 56.13 or 56.245 regarding the further use or disclosure of the medical information.~~

~~(e) A statement advising the patient that he or she is not obligated to authorize the requested disclosure of medical information.~~

~~SEC. 3.~~

*SEC. 2.* Section 56.10 of the Civil Code is amended to read:

56.10. (a) No provider of health care, or health care service plan, or contractor shall disclose medical information regarding a patient of the provider of health care or an enrollee or subscriber of a health care service plan without first obtaining an authorization, except as provided in subdivision (b) or (c).

(b) A provider of health care, a health care service plan, or a contractor shall disclose medical information if the disclosure is compelled by any of the following:

(1) By a court pursuant to an order of that court.

(2) By a board, commission, or administrative agency for purposes of adjudication pursuant to its lawful authority.

(3) By a party to a proceeding before a court or administrative agency pursuant to a subpoena, subpoena duces tecum, notice to appear served pursuant to Section 1987 of the Code of Civil Procedure, or any provision

1 authorizing discovery in a proceeding before a court or  
2 administrative agency.

3 (4) By a board, commission, or administrative agency  
4 pursuant to an investigative subpoena issued under  
5 Article 2 (commencing with Section 11180) of Chapter 2  
6 of Part 1 of Division 3 of Title 2 of the Government Code.

7 (5) By an arbitrator or arbitration panel, when  
8 arbitration is lawfully requested by either party, pursuant  
9 to a subpoena duces tecum issued under Section 1282.6 of  
10 the Code of Civil Procedure, or any other provision  
11 authorizing discovery in a proceeding before an  
12 arbitrator or arbitration panel.

13 (6) By a search warrant lawfully issued to a  
14 governmental law enforcement agency.

15 (7) By the patient or the patient's representative  
16 pursuant to Chapter 1 (commencing with Section  
17 123100) of Part 1 of Division 106 of the Health and Safety  
18 Code.

19 (8) When otherwise specifically required by law.

20 (c) A provider of health care, or a health care service  
21 plan may disclose medical information as follows:

22 (1) The information may be disclosed to providers of  
23 health care, health care service plans, or other health care  
24 professionals or facilities for purposes of diagnosis or  
25 treatment of the patient. This includes, in an emergency  
26 situation, the communication of patient information by  
27 radio transmission between emergency medical  
28 personnel at the scene of an emergency, or in an  
29 emergency medical transport vehicle, and emergency  
30 medical personnel at a health facility licensed pursuant to  
31 Chapter 2 (commencing with Section 1200) of Division  
32 2 of the Health and Safety Code.

33 (2) The information may be disclosed to an insurer,  
34 employer, health care service plan, hospital service plan,  
35 employee benefit plan, governmental authority, or any  
36 other person or entity responsible for paying for health  
37 care services rendered to the patient, to the extent  
38 necessary to allow responsibility for payment to be  
39 determined and payment to be made. If (A) the patient  
40 is, by reason of a comatose or other disabling medical

1 condition, unable to consent to the disclosure of medical  
2 information and (B) no other arrangements have been  
3 made to pay for the health care services being rendered  
4 to the patient, the information may be disclosed to a  
5 governmental authority to the extent necessary to  
6 determine the patient's eligibility for, and to obtain,  
7 payment under a governmental program for health care  
8 services provided to the patient. The information may  
9 also be disclosed to another provider of health care or  
10 health care service plan as necessary to assist the other  
11 provider or health care service plan in obtaining payment  
12 for health care services rendered by that provider of  
13 health care or health care service plan to the patient.

14 (3) The information may be disclosed to any person or  
15 entity that provides billing, claims management, medical  
16 data processing, or other administrative services for  
17 providers of health care or health care service plans or for  
18 any of the persons or entities specified in paragraph (2).  
19 However, no information so disclosed shall be further  
20 disclosed by the recipient in any way that would be  
21 violative of this part.

22 (4) The information may be disclosed to organized  
23 committees and agents of professional societies or of  
24 medical staffs of licensed hospitals, licensed health care  
25 service plans, professional standards review  
26 organizations, utilization and quality control peer review  
27 organizations as established by Congress in Public Law  
28 97-248 in 1982, or persons or organizations insuring,  
29 responsible for, or defending professional liability that a  
30 provider may incur, if the committees, agents, plans,  
31 organizations, or persons are engaged in reviewing the  
32 competence or qualifications of health care professionals  
33 or in reviewing health care services with respect to  
34 medical necessity, level of care, quality of care, or  
35 justification of charges.

36 (5) The information in the possession of any provider  
37 of health care or health care service plan may be  
38 reviewed by any private or public body responsible for  
39 licensing or accrediting the provider of health care or  
40 health care service plan. However, no patient identifying

1 medical information may be removed from the premises  
2 except as expressly permitted or required elsewhere by  
3 law.

4 (6) The information may be disclosed to the county  
5 coroner in the course of an investigation by the coroner's  
6 office.

7 (7) The information may be disclosed to public  
8 agencies, clinical investigators, including investigators  
9 conducting epidemiologic studies, health care research  
10 organizations, and accredited public or private nonprofit  
11 educational or health care institutions for bona fide  
12 research purposes. However, no information so disclosed  
13 shall be further disclosed by the recipient in any way that  
14 would disclose the identity of any patient or be violative  
15 of this part.

16 (8) A provider of health care or health care service  
17 plan that has created medical information as a result of  
18 employment-related health care services to an employee  
19 conducted at the specific prior written request and  
20 expense of the employer may disclose to the employee's  
21 employer that part of the information that:

22 (A) Is relevant in a law suit, arbitration, grievance, or  
23 other claim or challenge to which the employer and the  
24 employee are parties and in which the patient has placed  
25 in issue his or her medical history, mental or physical  
26 condition, or treatment, provided that information may  
27 only be used or disclosed in connection with that  
28 proceeding.

29 (B) Describes functional limitations of the patient that  
30 may entitle the patient to leave from work for medical  
31 reasons or limit the patient's fitness to perform his or her  
32 present employment, provided that no statement of  
33 medical cause is included in the information disclosed.

34 (9) Unless the provider of health care or health care  
35 service plan is notified in writing of an agreement by the  
36 sponsor, insurer, or administrator to the contrary, the  
37 information may be disclosed to a sponsor, insurer, or  
38 administrator of a group or individual insured or  
39 uninsured plan or policy that the patient seeks coverage  
40 by or benefits from, if the information was created by the

1 provider of health care or health care service plan as the  
2 result of services conducted at the specific prior written  
3 request and expense of the sponsor, insurer, or  
4 administrator for the purpose of evaluating the  
5 application for coverage or benefits.

6 (10) The information may be disclosed to a health care  
7 service plan by providers of health care that contract with  
8 the health care service plan and may be transferred  
9 among providers of health care that contract with the  
10 health care service plan, for the purpose of administering  
11 the health care service plan. Medical information may not  
12 otherwise be disclosed by a health care service plan  
13 except in accordance with the provisions of this part.

14 (11) Nothing in this part shall prevent the disclosure  
15 by a provider of health care or a health care service plan  
16 to an insurance institution, agent, or support  
17 organization, subject to Article 6.6 (commencing with  
18 Section 791) of Part 2 of Division 1 of the Insurance Code,  
19 of medical information if the insurance institution, agent,  
20 or support organization has complied with all  
21 requirements for obtaining the information pursuant to  
22 Article 6.6 (commencing with Section 791) of Part 2 of  
23 Division 1 of the Insurance Code.

24 (12) The information relevant to the patient's  
25 condition and care and treatment provided may be  
26 disclosed to a probate court investigator engaged in  
27 determining the need for an initial conservatorship or  
28 continuation of an existent conservatorship, if the patient  
29 is unable to give informed consent, or to a probate court  
30 investigator, probation officer, or domestic relations  
31 investigator engaged in determining the need for an  
32 initial guardianship or continuation of an existent  
33 guardianship.

34 (13) The information may be disclosed to an organ  
35 procurement organization or a tissue bank processing the  
36 tissue of a decedent for transplantation into the body of  
37 another person, but only with respect to the donating  
38 decedent, for the purpose of aiding the transplant. For  
39 the purpose of this paragraph, the terms "tissue bank"





1 and “tissue” have the same meaning as defined in Section  
2 1635 of the Health and Safety Code.

3 (14) The information may be disclosed when the  
4 disclosure is otherwise specifically authorized by law,  
5 such as the voluntary reporting, either directly or  
6 indirectly, to the federal Food and Drug Administration  
7 of adverse events related to drug products or medical  
8 device problems.

9 (15) Basic information including the patient’s name,  
10 city of residence, age, sex, and general condition may be  
11 disclosed to a state or federally recognized disaster relief  
12 organization for the purpose of responding to disaster  
13 welfare inquiries.

14 (16) The information may be disclosed to a third party  
15 for purposes of encoding, encrypting, or otherwise  
16 anonymizing data. However, no information so disclosed  
17 shall be further disclosed by the recipient in any way that  
18 would be violative of this part, including the  
19 unauthorized manipulation of coded or encrypted  
20 medical information that reveals individually identifiable  
21 medical information.

22 (17) For purposes of chronic disease management  
23 programs, information may be disclosed to any entity  
24 contracting with a health care service plan to monitor or  
25 administer care of enrollees for a covered benefit,  
26 provided that the disease management services and care  
27 are authorized by a treating physician.

28 (d) Except to the extent expressly authorized by the  
29 patient or enrollee or subscriber or as provided by  
30 subdivisions (b) and (c), no provider of health care,  
31 health care service plan contractor, or corporation and its  
32 subsidiaries and affiliates shall intentionally share, sell, or  
33 otherwise use any medical information for any purpose  
34 not necessary to provide health care services to the  
35 patient.

36 (e) Except to the extent expressly authorized by the  
37 patient or enrollee or subscriber or as provided by  
38 subdivisions (b) and (c), no contractor or corporation  
39 and its subsidiaries and affiliates shall further disclose  
40 medical information regarding a patient of the provider

1 of health care or an enrollee or subscriber of a health care  
2 service plan or insurer or self-insured employer received  
3 under this section to any person or entity that is not  
4 engaged in providing direct health care services to the  
5 patient or his or her provider of health care or health care  
6 service plan or insurer or self-insured employer.

7 ~~SEC. 4. Section 56.35 of the Civil Code is amended to~~  
8 ~~read:~~

9 ~~56.35. (a) In addition to any other remedies available~~  
10 ~~at law, a patient whose medical information has been used~~  
11 ~~or disclosed in violation of Section 56.10, 56.104, or 56.20~~  
12 ~~or subdivision (a) of Section 56.26 and who has sustained~~  
13 ~~economic loss or personal injury therefrom may recover~~  
14 ~~compensatory damages, punitive damages not to exceed~~  
15 ~~three thousand dollars (\$3,000), attorneys' fees not to~~  
16 ~~exceed one thousand dollars (\$1,000), and the costs of~~  
17 ~~litigation.~~

18 ~~(b) In addition to any other remedies available at law,~~  
19 ~~a patient, whose medical information has been obtained~~  
20 ~~by a contractor who failed to comply with the notice~~  
21 ~~requirements of Section 56.08, may recover any or all of~~  
22 ~~the following:~~

23 ~~(1) Nominal damages of one thousand dollars (\$1,000).~~  
24 ~~In order to recover under this paragraph, it shall not be~~  
25 ~~necessary that the patient suffered or was threatened~~  
26 ~~with actual damages.~~

27 ~~(2) Actual damages, if any, sustained by the patient,~~  
28 ~~including damages for emotional distress.~~

29 ~~(3) Punitive damages not to exceed five thousand~~  
30 ~~dollars (\$5,000).~~

31 ~~(4) Reasonable attorneys' fees and costs.~~

32 ~~SEC. 5. Section 56.36 of the Civil Code is amended to~~  
33 ~~read:~~

34 ~~56.36. (a) Any violation of the provisions of this part~~  
35 ~~that results in economic loss or personal injury to a patient~~  
36 ~~is punishable as a misdemeanor.~~

37 ~~(b) In addition to any other remedies available at law,~~  
38 ~~any individual may bring an action against any person or~~  
39 ~~entity who has negligently released confidential~~

~~information or records concerning him or her in violation of this part, for either or both of the following:~~

~~(1) Nominal damages of one thousand dollars (\$1,000). In order to recover under this paragraph, it shall not be necessary that the plaintiff suffered or was threatened with actual damages.~~

~~(2) The amount of actual damages, if any, sustained by the patient.~~

~~(c) (1) (A) In addition, any person or entity that negligently discloses medical information in violation of the provisions of this part shall also be liable, irrespective of the amount of damages suffered by the patient as a result of that violation, for an administrative fine or civil penalty not to exceed two thousand five hundred dollars (\$2,500) per violation.~~

~~(B) In addition, any contractor that negligently fails to comply with the notice requirements of Section 56.08 shall also be liable, irrespective of the amount of damages suffered by the patient as a result of that violation, for an administrative fine or civil penalty not to exceed five thousand dollars (\$5,000) per violation.~~

~~(2) (A) Any person or entity, other than a licensed health care professional, who knowingly and willfully obtains, discloses, or uses medical information in violation of this part shall be liable for an administrative fine or civil penalty not to exceed twenty-five thousand dollars (\$25,000) per violation.~~

~~(B) Any licensed health care professional who knowingly and willfully obtains, discloses, or uses medical information in violation of this part shall be liable on a first violation, for an administrative fine or civil penalty not to exceed two thousand five hundred dollars (\$2,500) per violation, or on a second violation for an administrative fine or civil penalty not to exceed ten thousand dollars (\$10,000) per violation, or on a third and subsequent violation for an administrative fine or civil penalty not to exceed twenty-five thousand dollars (\$25,000) per violation. Nothing in this subdivision shall be construed to limit the liability of a health care service plan, a contractor, or a provider of health care that is not a~~

1 ~~licensed health care professional for any violation of this~~  
2 ~~part.~~

3 ~~(3) (A) Any person or entity, other than a licensed~~  
4 ~~health care professional, who knowingly or willfully~~  
5 ~~obtains or uses medical information in violation of this~~  
6 ~~part for the purpose of financial gain shall be liable for an~~  
7 ~~administrative fine or civil penalty not to exceed two~~  
8 ~~hundred fifty thousand dollars (\$250,000) per violation~~  
9 ~~and shall also be subject to disgorgement of any proceeds~~  
10 ~~or other consideration obtained as a result of the violation.~~

11 ~~(B) Any licensed health care professional, who~~  
12 ~~knowingly and willfully obtains, discloses, or uses medical~~  
13 ~~information in violation of this part for financial gain shall~~  
14 ~~be liable on a first violation, for an administrative fine or~~  
15 ~~civil penalty not to exceed five thousand dollars (\$5,000)~~  
16 ~~per violation, or on a second violation for an~~  
17 ~~administrative fine or civil penalty not to exceed~~  
18 ~~twenty-five thousand dollars (\$25,000) per violation, or~~  
19 ~~on a third and subsequent violation for an administrative~~  
20 ~~fine or civil penalty not to exceed two hundred fifty~~  
21 ~~thousand dollars (\$250,000) per violation and shall also be~~  
22 ~~subject to disgorgement of any proceeds or other~~  
23 ~~consideration obtained as a result of the violation.~~  
24 ~~Nothing in this subdivision shall be construed to limit the~~  
25 ~~liability of a health care service plan, a contractor, or a~~  
26 ~~provider of health care that is not a licensed health care~~  
27 ~~professional for any violation of this part.~~

28 ~~(4) Nothing in this subdivision shall be construed as~~  
29 ~~authorizing an administrative fine or civil penalty under~~  
30 ~~both paragraphs (2) and (3) for the same violation.~~

31 ~~(5) Any person or entity who is not permitted to~~  
32 ~~receive medical information pursuant to this part and~~  
33 ~~who knowingly and willfully obtains, discloses, or uses~~  
34 ~~medical information without providing written notice to~~  
35 ~~the patient or without written authorization as required~~  
36 ~~under this part from the patient shall be liable for a civil~~  
37 ~~penalty not to exceed two hundred fifty thousand dollars~~  
38 ~~(\$250,000) per violation.~~

39 ~~(d) In assessing the amount of an administrative fine~~  
40 ~~or civil penalty pursuant to subdivision (c), the licensing~~

~~agency or certifying board or court shall consider any one or more of the relevant circumstances presented by any of the parties to the case including, but not limited to, the following:~~

~~(1) Whether the defendant has made a reasonable, good faith attempt to comply with this part.~~

~~(2) The nature and seriousness of the misconduct.~~

~~(3) The harm to the patient, enrollee, or subscriber.~~

~~(4) The number of violations.~~

~~(5) The persistence of the misconduct.~~

~~(6) The length of time over which the misconduct occurred.~~

~~(7) The willfulness of the defendant's misconduct.~~

~~(8) The defendant's assets, liabilities, and net worth.~~

~~(e) (1) The civil penalty pursuant to subdivision (c) shall be assessed and recovered in a civil action brought in the name of the people of the State of California in any court of competent jurisdiction by any of the following:~~

~~(A) The Attorney General.~~

~~(B) Any district attorney.~~

~~(C) Any county counsel authorized by agreement with the district attorney in actions involving violation of a county ordinance.~~

~~(D) Any city attorney of a city.~~

~~(E) Any city attorney of a city and county having a population in excess of 750,000, with the consent of the district attorney.~~

~~(F) A city prosecutor in any city having a full-time city prosecutor or, with the consent of the district attorney, by a city attorney in any city and county.~~

~~(2) If the action is brought by the Attorney General, one-half of the penalty collected shall be paid to the treasurer of the county in which the judgment was entered, and one-half to the General Fund. If the action is brought by a district attorney or county counsel, the penalty collected shall be paid to the treasurer of the county in which the judgment was entered. Except as provided in paragraph (3), if the action is brought by a city attorney or city prosecutor, one-half of the penalty collected shall be paid to the treasurer of the city in which~~

~~1 the judgment was entered and one-half to the treasurer  
2 of the county in which the judgment was entered.~~

~~3 (3) If the action is brought by a city attorney of a city  
4 and county, the entire amount of the penalty collected  
5 shall be paid to the treasurer of the city and county in  
6 which the judgment was entered.~~

~~7 (4) Nothing in this section shall be construed as  
8 authorizing both an administrative fine and civil penalty  
9 for the same violation.~~

~~10 (5) Imposition of a fine or penalty provided for in this  
11 section shall not preclude imposition of any other  
12 sanctions or remedies authorized by law.~~

~~13 (f) For purposes of this section, “knowing” and  
14 “willful” shall have the same meanings as in Section 7 of  
15 the Penal Code.~~

~~16 (g) No person who discloses or obtains protected  
17 medical information in accordance with the provisions of  
18 this part shall be subject to the penalty provisions of this  
19 part.~~

~~20 SEC. 6.~~

~~21 SEC. 3. Section 56.11 of the Civil Code is amended to  
22 read:~~

~~23 56.11. Any person or entity that wishes to obtain  
24 medical information pursuant to subdivision (a) of  
25 Section 56.10, other than a person or entity authorized to  
26 receive medical information pursuant to subdivision (b)  
27 or (c) of Section 56.10, shall obtain a valid authorization  
28 for the release of this information.~~

~~29 An authorization for the release of medical information  
30 by a provider of health care, a health care service plan, or  
31 contractor shall be valid if it:~~

~~32 (a) Is handwritten by the person who signs it or is in  
33 typeface no smaller than 8-point type.~~

~~34 (b) Is clearly separate from any other language  
35 present on the same page and is executed by a signature  
36 which serves no other purpose than to execute the  
37 authorization.~~

~~38 (c) Is signed and dated by one of the following:~~

~~39 (1) The patient. A patient who is a minor may only sign  
40 an authorization for the release of medical information~~

1 obtained by a provider of health care, health care service  
2 plan, or contractor in the course of furnishing services to  
3 which the minor could lawfully have consented under  
4 Part 1 (commencing with Section 25) or Part 2.7  
5 (commencing with Section 60).

6 (2) The legal representative of the patient, if the  
7 patient is a minor or an incompetent. However,  
8 authorization may not be given under this subdivision for  
9 the disclosure of medical information obtained by the  
10 provider of health care, a health care service plan, or a  
11 contractor in the course of furnishing services to which a  
12 minor patient could lawfully have consented under Part  
13 1 (commencing with Section 25) or Part 2.7  
14 (commencing with Section 60).

15 (3) The spouse of the patient or the person financially  
16 responsible for the patient, where the medical  
17 information is being sought for the sole purpose of  
18 processing an application for health insurance or for  
19 enrollment in a nonprofit hospital plan, a health care  
20 service plan, or an employee benefit plan, and where the  
21 patient is to be an enrolled spouse or dependent under  
22 the policy or plan.

23 (4) The beneficiary or personal representative of a  
24 deceased patient.

25 (d) States the specific uses and limitations on the types  
26 of medical information to be disclosed.

27 (e) States the name or functions of the provider of  
28 health care, health care service plan, or contractor that  
29 may disclose the medical information.

30 (f) States the name or functions of the persons or  
31 entities authorized to receive the medical information.

32 (g) States the specific uses and limitations on the use  
33 of the medical information by the persons or entities  
34 authorized to receive the medical information.

35 (h) States a specific date after which the provider of  
36 health care, health care service plan, or contractor is no  
37 longer authorized to disclose the medical information.

38 (i) Advises the person signing the authorization of the  
39 right to receive a copy of the authorization.

1 SEC. 4. Section 123111 is added to the Health and  
2 Safety Code, to read:

3 123111. (a) Any adult patient who inspects his or her  
4 patient records pursuant to Section 123110 shall have the  
5 right to provide to the health care provider ~~an~~ *a written*  
6 addendum with respect to any item or statement in his or  
7 her records that the patient believes to be incomplete or  
8 incorrect. *The addendum shall be limited to 250 words*  
9 *per alleged incomplete or incorrect item in the patient's*  
10 *record and shall clearly indicate in writing that the*  
11 *patient wishes the addendum to be made a part of his or*  
12 *her record.*

13 (b) *The health care provider shall attach the*  
14 *addendum to the patient's records and shall include that*  
15 *addendum whenever the health care provider makes a*  
16 *disclosure of the allegedly incomplete or incorrect*  
17 *portion of patient's records to any third party.*

18 ~~(b)~~  
19 (c) *The receipt of information in a patient's*  
20 *addendum which contains defamatory or otherwise*  
21 *unlawful language, and the inclusion of this information*  
22 *in the patient's records, in accordance with subdivision*  
23 *(b), shall not, in and of itself, subject the health care*  
24 *provider to liability in any civil, criminal, administrative,*  
25 *or other proceeding.*

26 (d) Subdivision (f) of Section 123110 and Section  
27 123120 shall be applicable with respect to any violation of  
28 this section by a health care provider.

29 SEC. 7. No reimbursement is required by this act  
30 pursuant to Section 6 of Article XIII B of the California  
31 Constitution because the only costs that may be incurred  
32 by a local agency or school district will be incurred  
33 because this act creates a new crime or infraction,  
34 eliminates a crime or infraction, or changes the penalty  
35 for a crime or infraction, within the meaning of Section  
36 17556 of the Government Code, or changes the definition  
37 of a crime within the meaning of Section 6 of Article  
38 XIII B of the California Constitution.

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